

STACKS

WELCOME TO YOUR HOUSE OF REPRESENTATIVES

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Publication of this Guide was authorized by the Committee on House Administration: Speaker pro tempore John L. Ryals, Chairman, and Representative John A. Hill, Majority Leader, and Representative William G. James, Minority Leader.

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Revised October 1977



DONALD L. TUCKER
SPEAKER
HOUSE OF REPRESENTATIVES

Dear Friend:

This booklet will introduce you to the Florida House of Representatives, a co-partner in the legislative progress of our State.

Since state government is your government and the House of Representatives speaks for you in this government, it is important for you to understand how the House functions on your behalf.

The Florida House of Representatives is proud of its independence as a branch of government and its responsiveness to the people of our State.

I hope the information in this booklet will help you to better understand how your legislature works for you.

Sincerely,

Donald L. Tucker

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THE IMPORTANCE OF THE LEGISLATURE

In the Legislature, government by the people works.

"All political power is inherent in the people," asserts the declaration of Rights to Florida's Constitution. The Legislature is an instrument through which the people exercise that power.

For example, not a dollar of tax may be either collected or spent by the State without an authorizing Act of the Legislature.

While no law may be passed without both the Senate and the House agreeing upon its exact words, the House has traditionally felt a special sense of communication with the people.

This is because the members of the House are elected every two years. House members possess a grassroots nearness to the electorate which may not always be true of those officers of the State elected to four and six-year terms.

The House has the exclusive right to inquire into the conduct of those State officials of high rank who are not subject to suspension by the Governor. The House may vote articles of impeachment (for Senate trial) against the Governor, Lieutenant Governor, Cabinet officers, Justices of the Supreme Court, Judges of the District Courts of Appeal, and Circuit Judges.

This architect's rendering shows Florida's new Capitol as seen from the west or from the Supreme Court Building. The twin domes are over the chambers of the Senate and House.

Department of General Services



HOUSE OF REPRESENTATIVES

1978



Donald L. Tucker
Speaker



John L. Ryals
Speaker pro tempore

Democrats in Roman (93) *Republicans in Italic* (27)

Counties in District and Representative

District

Part of Escambia

- 1 Grover C. Robinson, III, Pensacola
- 2 Thomas R. "Tom" Patterson, Pensacola
- 3 Clyde H. "Jack" Hagler, Pensacola

Okaloosa, parts of Escambia, Santa Rosa, Walton

- 4 Edmond M. "Ed" Fortune, Pace
- 5 Jerry G. Melvin, Fort Walton Beach
- 6 James G. Ward, Fort Walton Beach

Holmes, parts of Jackson, Walton, Washington

- 7 Wayne Mixson, Marianna

Parts of Bay, Walton, Washington

- 8 Earl Hutto, Panama City

Calhoun, Gulf, parts of Bay, Gadsden, Jackson, Liberty

- 9 William J. "Billy Joe" Rish, Port St. Joe

Franklin, parts of Gadsden, Jefferson, Liberty, Taylor, Wakulla

- 10 James Harold Thompson, Quincy

Leon, parts of Jefferson, Madison, Suwannee, Wakulla

- 11 Donald L. Tucker, Tallahassee
- 12 Herbert F. "Herb" Morgan, Tallahassee

Columbia, Hamilton, parts of Madison, Suwannee

- 13 Wayne Hollingsworth, Lake City

Citrus, Dixie, Gilchrist, Lafayette, Levy, parts of Hernando, Marion, Suwannee, Taylor

- 14 Gene Hodges, Cedar Key

Baker, Nassau, parts of Duval, Union

- 15 George Crady, Yulee

Part of Duval

- 16 Arnett E. Girardeau, D.D.S., Jacksonville

District

- 17 John R. Forbes, Jacksonville
- 18 John W. Lewis, Jacksonville
- 19 Eric B. Smith, Jacksonville
- 20 Carl Ogden, Jacksonville
- 21 Thomas L. "Tommy" Hazouri, Jacksonville
- 22 Steve Paicic, Jacksonville
- 23 R. Earl Dixon, Jacksonville
- 24 *Ander Crenshaw, Jacksonville*

Bradford, Clay, part of St. Johns

- 25 Frank Williams, Starke

Alachua, parts of Marion, Putnam, Union

- 26 Sidney "Sid" Martin, Hawthorne
- 27 William C. "Bill" Andrews, Gainesville

Parts of Flagler, Putnam, St. Johns

- 28 A. H. "Gus" Craig, St. Augustine

Volusia, part of Flagler

- 29 William R. "Bill" Conway, Ormond Beach
- 30 Samuel P. Bell, III, Daytona Beach
- 31 J. Hyatt Brown, Ormond Beach

Parts of Lake, Marion

- 32 Wayne C. McCall, D.D.S., Ocala

Parts of Orange, Seminole

- 33 Bob Hattaway, Altamonte Springs

Parts of Lake, Marion, Seminole

- 34 Vince Fechtel, Jr., Leesburg

Parts of Lake, Marion, Sumter

- 35 Richard H. "Dick" Langley, Clermont

Parts of Hernando, Pasco, Polk, Sumter

- 36 John R. Culbreath, Brooksville

District

Parts of Pasco, Pinellas

- 37 Ronald R. "Ron" Richmond, New Port Richey

Part of Orange

- 38 Lawrence R. "Larry" Kirkwood, Winter Park
 39 John L. Mica, Winter Park
 40 W. E. "Bill" Fulford, Orlando
 41 Fran Carlton, Orlando
 42 Toni Jennings, Orlando
 43 Dick J. Batchelor, Orlando

Parts of Brevard, Orange, Seminole

- 44 David L. "Dave" Barrett, Indialantic
 45 Clark Maxwell, Jr., Melbourne
 46 Marilyn Bailey Evans, Melbourne
 47 C. William "Bill" Nelson, Melbourne

Indian River, parts of Brevard, Okeechobee, Osceola, St. Lucie

- 48 R. Dale Patchett, Vero Beach

Parts of Highlands, Osceola, Polk

- 49 Robert B. "Bob" Crawford, Winter Haven
 50 Beverly B. Burnsed, Lakeland
 51 Gene Ready, Lakeland
 52 C. Fred Jones, Auburndale

Part of Pinellas

- 53 Mary R. Grizzle, Clearwater
 54 S. Curtis "Curt" Kiser, Palm Harbor
 55 Tom R. Moore, Clearwater
 56 Betty Easley, Largo
 57 Dennis McDonald, St. Petersburg
 58 George F. Hieber, II, St. Petersburg
 59 Don Poindexter, St. Petersburg
 60 T. M. "Tom" Woodruff, St. Petersburg
 61 Dorothy Eaton Sample, St. Petersburg

Parts of Hillsborough, Polk

- 62 James L. "Jim" Redman, Plant City
 63 John L. Ryals, Brandon
 64 R. Ed Blackburn, Jr., Temple Terrace
 65 James S. "Trooper Jim" Foster, Tampa

Part of Hillsborough

- 66 H. Lee Moffitt, Tampa
 67 Pat Frank, Tampa
 68 Richard S. "Dick" Hodes, M.D., Tampa
 69 George H. Sheldon, Tampa
 70 Helen Gordon Davis, Tampa

Hardee, parts of Manatee, Sarasota

- 71 Ralph H. Haben, Jr., Palmetto
 72 Patrick K. "Pat" Neal, Bradenton

Parts of Charlotte, Manatee, Sarasota

- 73 Thomas E. "Tom" Danson, Jr., Sarasota
 74 Ted Ewing, Venice

DeSoto, parts of Charlotte, Highlands, Sarasota

- 75 Frederic H. "Fred" Burrall, Port Charlotte

District

Parts of Martin, St. Lucie

- 76 K. Dale Cassens, Fort Pierce

Parts of Martin, Okeechobee, Palm Beach

- 77 William J. "Bill" Taylor, Tequesta

Parts of Broward, Palm Beach

- 78 Donald F. "Don" Hazelton, West Palm Beach
 79 Reid Moore, Jr., Palm Beach
 80 William G. "Bill" James, Delray Beach
 81 Edward J. "Ed" Healey, West Palm Beach
 82 John J. Considine, III, West Palm Beach
 83 Thomas F. "Tom" Lewis, North Palm Beach

Part of Broward

- 84 Van B. Poole, Fort Lauderdale
 85 Terence T. "Terry" O'Malley, Hallandale
 86 Linda C. Cox, Lauderdale
 87 Stephen James "Steve" Warner, Pompano Beach
 88 Tom Gustafson, Fort Lauderdale

Collier, Glades, parts of Hendry, Highlands, Lee

- 89 Mary Ellen Hawkins, Naples

Parts of Charlotte, Hendry, Lee

- 90 Franklin B. Mann, Fort Myers
 91 Hugh Paul Nuckolls, Fort Myers

Parts of Broward, Dade

- 92 Tom McPherson, Fort Lauderdale
 93 Harold J. Dyer, Hollywood
 94 John Adams, Hollywood
 95 Walter C. "Walt" Young, Pembroke Pines
 96 Charles W. "Charlie" Boyd, Hollywood
 97 David J. Lehman, M.D., Hollywood

Part of Dade

- 98 Elaine Gordon, North Miami
 99 Barry Kutun, Miami Beach
 100 Elaine Bloom, North Miami Beach
 101 Paul B. Steinberg, Miami Beach
 102 Gwen Margolis, North Miami
 103 Alan S. Becker, North Miami Beach
 104 William H. "Bill" Lockward, Miami Lakes
 105 Joe Lang Kershaw, Miami
 106 Gwendolyn Sawyer "Gwen" Cherry, Miami
 107 A. M. "Tony" Fontana, Miami Lakes
 108 John Allen Hill, Miami Lakes
 109 Joseph M. "Joe" Gersten, Miami
 110 Roberta Fox, Miami
 111 C. Thomas "Tom" Gallagher, III, Coconut Grove
 112 Barry Richard, Miami
 113 William E. "Bill" Sadowski, Miami
 114 Robert C. "Bob" Hector, Miami
 115 James F. "Jim" Eckhart, Miami
 116 Robert W. "Bob" McKnight, Miami
 117 Charles C. "Charlie" Papy, Jr., Miami
 118 John Cyril Malloy, Miami
 119 Hugo Black, III, Miami

Monroe, part of Dade

- 120 Joe Allen, Key West

THE LANGUAGE OF LAWMAKING

Each profession, trade, occupation and even sport has its own language. Lawmaking does, too.

If you went to court, you would not be at all surprised to hear the judge and the lawyers using words which are strange to you. And if you were watching a football game for the first time, you surely would be puzzled over the meaning of some of the action on the field.

As a visitor in the gallery of the House of Representatives, you should not be dismayed to hear words and phrases which are not immediately meaningful to you. Lawmaking is a process which moves according to timeless ritual much as does the administration of justice in the courts. Lawmaking possesses the same appeal to many spectators as the clash of athletic teams.

Many people get more intensely interested in lawmaking than they do in sports or other recreation. As Governor Fuller Warren once said, the key word to the reason for this greater interest is **significance**.

"Yesterday's bridge game is forgotten today, or tomorrow at the latest," observed Governor Warren. "Yesterday's baseball game is only a topic of conversation today and the same thing holds true of a horse race or a golf match. None of these events affect those who do not actually participate in them, except to give the non-participants something to talk about . . . But government is a different matter."

A debate in the House of Representatives may have a great effect on the personal lives of every one of us.

There is a saying that "you can't know the players without a program." This **Guide** is intended to help you know what's going on here. You will not, to be sure, know everything about the legislative process after you have read this Guide. But you should be sufficiently informed to watch the proceedings more knowledgeably and, therefore, more enjoyably.

NOW, THE FIRST WORD

Florida's Legislature was ranked 1st in the nation for independence after a 14-month study was completed in 1971 by the nonpartisan, privately-funded Citizens Conference on State Legislatures.

The overall basis for rating by the Conference was the degree to which legislatures "function effectively, account to the public for their actions, gather and use information, avoid undue influence and represent the interest of their people."

"Independence," the category in which Florida stood 1st, was measured by the Conference in these terms:

independence of the legislative from state's executive branch, capability for legislative review and audit of administrative agencies, excellence of legislative procedures, regulation of special-interest groups and lobbyists, control of conflicts of interest, frequency and duration of sessions, and compensation of members.

Florida's Legislature also was ranked among the top eight in three of four other categories. These categories were "functional," for utilization of its time, office space, number of committees, and procedures; "accountable," for adequacy of information necessary for lawmaking, public access to voting records and actual deliberations, and leadership selection and constraints; and "informed," for staff resources and amount of time devoted to legislative process.

Independence truly is the key word describing the Florida House of Representatives in the changing process of lawmaking which commenced in 1966 with the writing of the legislative organization amendment into the State Constitution by the voting public. This amendment directed the Legislature to meet in an Organization Session shortly after the November election for the sole purpose of selecting officers so business could be transacted thereafter instead of waiting, as before, until the convening of the Regular Session in April. (see: Reorganization)

This two-sentence amendment unshackled the Legislature from the chains of a regular session of 60-consecutive days every two years (in reality, 44 working days) and tiny housekeeping staff to a fully-functioning, year-round existence. The Legislature for the first time became an equal of the Executive and Judicial Departments in deed as it always had been in theory.

The significant difference between the old and the new Legislature is the fact that the old biennial Legislature was forced to rely

almost entirely upon the volunteered knowledge and expertise of others whose vision often was limited by their special interests as, for example, spokesmen for agencies in the Executive Department.

There simply wasn't time enough, staff enough, and equipment enough for the Legislature to develop judgments of its own. Then, as now, the Legislature passed the laws. But now the new annual Legislature possesses the creative ability to have the **first** word as well as the **last** word.

WHO IS YOUR REPRESENTATIVE?

The median age of Members of the present House of Representatives is 40.

Nearly half (57) of the Members were born in Florida. Of those born elsewhere, New York was first with 15, next Alabama, Illinois, and Pennsylvania, with 5 each, then Georgia, New Jersey, and North Carolina with 4 each.

The typical Member attended an institution of higher learning. Nearly half of the Members received advanced degrees.

The typical Member is married and has two children although only a slightly fewer number have three. Of the 120 Members, all but 7 profess some religious affiliation. The top faiths numerically are Baptist, Catholic, Presbyterian, Methodist, Episcopal, Jewish, and Lutheran.

The Florida House retains its identification as a "citizen" body in the sense that virtually all of its Members are active in occupations and professions in addition to lawmaking.

As might be expected in a lawmaking body, there are more lawyers (33) than representatives of any other profession or occupation. Far behind are members from the second largest profession, insurance; then, real estate in third place.

Affording a melding of experiences, the House has among its Members a banker, a broadcaster, three cattlemen, a financial planner, a free-lance writer, a dairy feed manufacturer, an entomologist, two funeral directors, a lecturer, a pharmacist, six educators, a turf and garden supply wholesaler, three homemakers, three citrus growers, and a number of businessmen. Four of the Members regard themselves as fulltime lawmakers. There are indeed few fields of human endeavor in which some Member does not possess expertise.

The typical Member belongs to a fraternal, civic or benevolent

organization, and likely to organizations in all three categories. The typical Member held some other public office before coming to the House. Public service is a tradition in many House families, with fathers, grandfathers, great grandfathers, brothers, uncles and cousins having held office.

WHY DO MEMBERS RUN?

Why did each of the 120 Members run for election to the House? The pay? Perhaps in some cases. But the \$12,000 base pay for many may mean a loss of income. As Albert J. Abrams formerly of the New York Senate and a past Chairman of the National Legislative Conference, once wrote, the motivating factors include the prestige, the excitement, the challenge of making decisions affecting millions of people and billions of dollars, the opportunity for advancement.

THE JOB OF A REPRESENTATIVE: "A PART OF HISTORY . . . MAKING HISTORY"

The job of a Representative is not just to pass laws although the typical Member will be called upon to record a vote some 3,000 times during a term.

Again to paraphrase Albert Abrams and keeping in mind that the "he" includes sixteen female Members of the Florida House, the typical Representative speaks directly for the basic 56,591 persons in his District yet indirectly for all the people of Florida since a Representative is a State officer rather than a local officer.

"He must act as a check on the Executive Department," observed Abrams. "He must set priorities of public action. He must determine the allocation of funds between the private and the public sector. And within the public sector, the legislators must determine how much shall go for education, for housing, for economic development, for health, for welfare, etc. He rectifies injustices and acts as umpire between opposing forces in society.

"He reads his mail carefully. And he goes a step further; in many cases he polls his constituents as to their views. He reflects public dissent and public standards.

"He keeps an open door to people in trouble. He does favors daily, interceding for people running the gauntlet of an impersonal bureaucracy. Someone's unemployment check is lost; someone

wants to block a road being built in front of his house; someone wants a job; the requests come in torrents. Out of this dual role of acting as funnel for citizen complaints and requests, he gains a sense of government in action, gains insight into people and agencies."

As you look down from the House gallery, you will see your Representative following the day's program of business, likely the Special Order Calendar, checking against the file of printed bills nested beneath his desk, raising a question or participating in debate, and often called off the floor to confer with a constituent either in person in the lobby or on the telephone.

Before and after the daily session in the Chamber, the typical Member will be involved with the committees of which he is a member or committees considering bills he either has introduced or opposes. Back in his office, he again will return to the handling of mail, to answering the accumulated calls, to assigning staff to collect information.

"But even then," as Abrams wrote, "the day's work is not done although the lighted Capitol dome stands brightly against the night sky.

"A newsman may want to query him on one of his proposals; he may have to put the finishing touches on a news release, or face a barrage of TV lights while being asked to comment on some pressing issue. Then perhaps a walk to his hotel room to wash up before heading for a dinner meeting where he picks up gossip, exchanges views with his colleagues, puts in a good word for one of his bills, and then back to the hotel to read reports, memos, papers.

"Visit him in his own district and you may catch him in his law office or at night in his district office; again there is a procession of people seeking help and groups seeking support of their legislation. And perhaps dinner at a political or civic affair, possibly a speech, shaking hundreds of hands. It's no job for a recluse.

"To do his job well he needs a good sense of humor and a good sense of judgment. He learns to look for both sides of every story and not to make snap judgments. He becomes very close to his colleagues, regardless of party . . . He is generally neither an idealist nor a cynic but tends rather to be an establishment pragmatist. He is philosophic and tolerant in his understanding of human nature. He is proud of his position. He tends to be patriotic without being chauvinistic.

"He knows that he is part of history and making history."



This courtyard provides light and color for the inner offices of the House Office Building. The suspended objects are the undersides of carriers for flowering plants.

DO YOU RECOGNIZE YOUR REPRESENTATIVES?

The House provides a seating chart to help you spot the Representative or Representatives from your area in the Chamber if you visit the House when in session.

Representatives are glad to welcome constituents. You will find their offices listed on the directory in the Capitol. If the Representatives are away from their offices because of the need to be in the Chamber or in committee, staff members will be glad to meet you and to assist you.

The directory mentioned above shows either "HOB" or "C" after a room number. These refer to offices in the House Office Building or in the Capitol. The first numeral in room numbers indicates the floor.

THE LEGISLATIVE PACE

Committees formerly were appointed during the first days of a Regular Session. Usually they possessed no staff except a secretary to keep minutes. The session was well along before there was work product reported to the House for floor consideration by all Representatives.

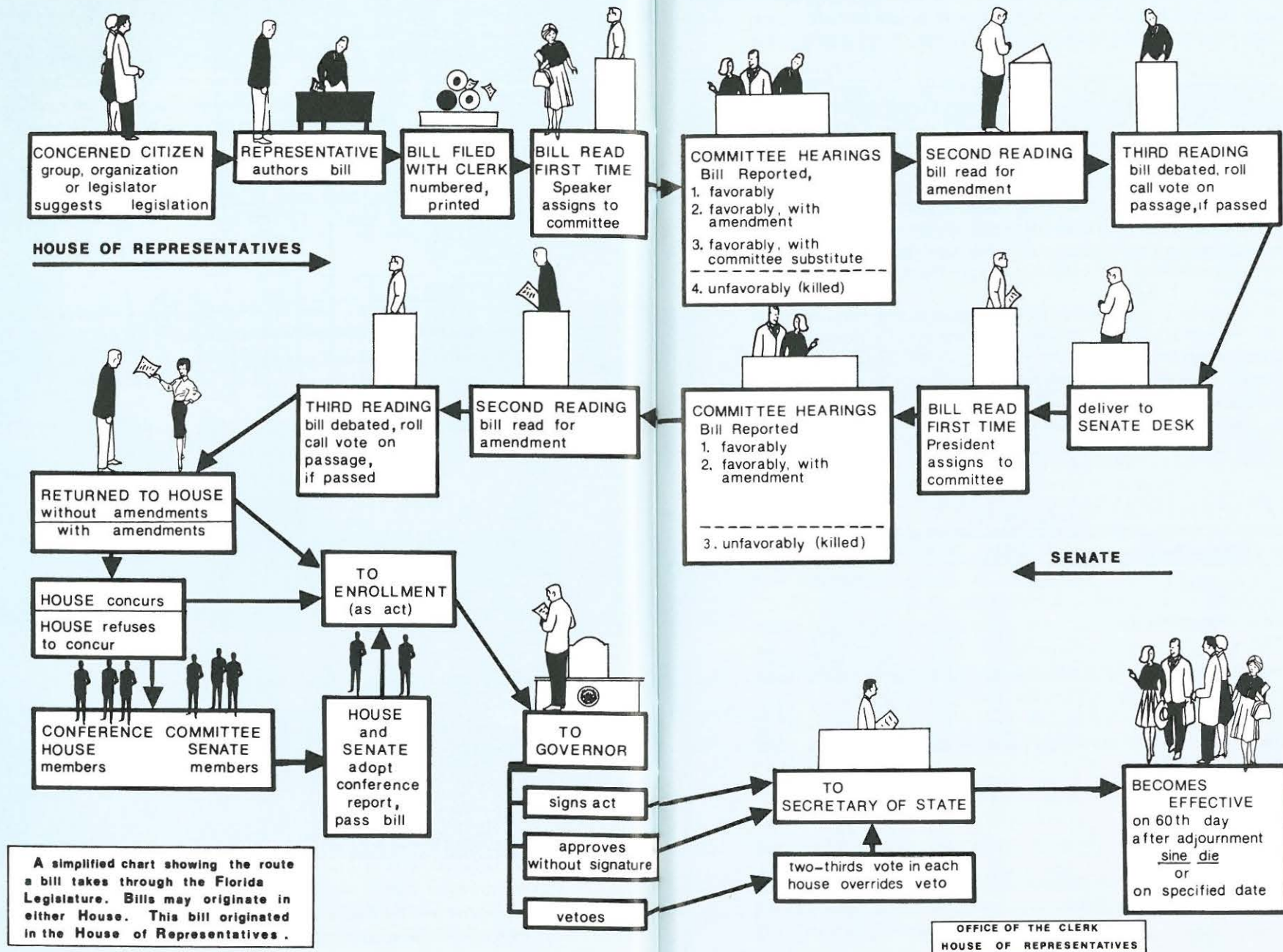
Nowadays, committees are appointed shortly after a general election and have a two-year life span. They start work five or six months before the first of the two annual regular sessions. The number of committees has been reduced drastically. This means, in part, that a Representative likely will be reappointed to one or more committees on which he has served in prior terms and thus have continuing use for the expertise learned in various governmental fields. Technicians have been recruited and offices arranged so that committee chairmen and vice chairmen effectively may supervise staff activities.

The year-round functioning of committees means the House of Representatives can begin passing upon the work product through floor consideration from the first day of a regular session. In fact, the Committee on Rules and Calendar has been given the responsibility for selecting meaningful proposed legislation for deliberation on every day of every session.

STAFF

As suggested above, another significant aspect of the evolution of the Legislative as a true co-equal of the Executive has been the recruiting of staff. It was apparent a healthful balance between the Legislative and the Executive could be obtained only by matching the Executive with a staff equal in competence.

How An Idea Becomes A Law



BILLS

The word most commonly heard in the House is "bill." Every law was once a bill. A bill is simply a proposed law. It is the raw material that results from someone feeling "there ought to be a law."

Only legislators or committees of legislators can introduce bills. (Even the Governor, who has a Constitutional mandate to tell the Legislature what new laws are needed, must find a legislator to introduce **his** bills.) A legislator may introduce or co-introduce as many bills as he pleases.

A legislator may write his own bill, but chances are that someone else has done the actual drafting. Indeed, the House and Senate have divisions staffed with lawyers and clerks for this very purpose. Many others are drafted by committee staff directors and committee attorneys. The official bill drafters will take the ideas of legislators and put them in bill form.

A bill gains an identity of its own upon being introduced in one of the two legislative houses. Bills are serially numbered in the order of receipt.

Pending measures die with the expiration of a session. Even though they may have been passed by either the House or the Senate, they must be reintroduced at the next session and start the legislative process anew if sponsors feel the need still exists.

LEGISLATIVE SCOREBOARD (bills only)
House and Senate

Regular and Special Sessions	1972	1973	1974	1975	1976	1977
Total bills introduced in Legislature (Includes companion bills)						
General	2941	3036	2907	3178	3825	3523
Local	<u>432</u>	<u>354</u>	<u>301</u>	<u>285</u>	<u>273</u>	<u>255</u>
Total	<u>3373</u>	<u>3390</u>	<u>3208</u>	<u>3463</u>	<u>4098</u>	<u>3778</u>
Acts passed						
General	441	388	420	352	339	515
Local	<u>304</u>	<u>286</u>	<u>226</u>	<u>200</u>	<u>186</u>	<u>173</u>
Total	<u>745</u>	<u>674</u>	<u>646</u>	<u>552</u>	<u>525</u>	<u>688</u>
Acts vetoed by Governor						
General	5	11	12	29	25	21
Local	<u>5</u>	<u>2</u>	<u>5</u>	<u>4</u>	<u>4</u>	<u>1</u>
Total	<u>10</u>	<u>13</u>	<u>17</u>	<u>33</u>	<u>29</u>	<u>22</u>
Acts becoming Law						
General	436	377	408	323	314	494
Local	<u>299</u>	<u>284</u>	<u>221</u>	<u>196</u>	<u>182</u>	<u>172</u>
Total	<u>735</u>	<u>661</u>	<u>629</u>	<u>519</u>	<u>496</u>	<u>666</u>

(Compiled in the Office of the Clerk)

BILL STATUS INFORMATION

If you are in either the Capitol or the House Office Building during sessions and have need for information on the status of specific bills, you will find two convenient sources, each tied into the legislative data processing system.

Bill status books, produced by the computer and reflecting the progress of legislation through the preceding day, are available for public use.

There are also teletype machines available for public use in legislative corridors of the Capitol and in the House Office Building. Each teletype has an information card explaining how it may be used.

The Legislative Information Division provides this service to all Floridians through a free long distance telephone. Call: 1-800-342-1827.

INTRODUCTION AND REFERENCE

A bill is **introduced** at the moment of the first reading of its title to the House.

It is then referred by the Speaker to one and, in some instances, another, of the standing committees. And the House, by vote, may send the bill to different or additional committees.

Reference has tremendous significance in the life of a bill.

An unfavorable report from a committee presents a barrier to the bill's passage which usually cannot be climbed. That is the most obvious importance of reference.

Time is perhaps the toughest foe of legislation, with every step a race against the clock and the calendar. Even a committee friendly to a bill's progress could offer amendments which might delay its progress just enough to cause trouble elsewhere in the legislative process. Or a committee may delay its progress overlong because of the press of other bills. With the session limited to 60 calendar days, each day's delay forces the bill into growing competition for time to be considered.

Reference can, therefore, be vital.

THE DAILY ORDER OF BUSINESS

If you are in the gallery from the time of the convening of the House in its daily session, you will find it following generally this Order of Business:

1. Roll call [taken on the roll call machine]
2. Prayer [usually by an invited clergyman or educator or a Representative]
3. Approval of the Journal [of the preceding legislative day]
4. Motions relating to committee references
5. Receiving of communications
6. Consideration of messages from the Senate [transmitting legislation originating in the Senate and passed there or reporting Senate action on House Bills]
7. Report of standing committees
8. Report of select committees [groups "selected" for special tasks]
9. Consideration of bills and joint resolutions on third reading
10. Matters on reconsideration
11. Special Orders
12. Unfinished business
13. Consideration of bills and joint resolutions on second reading
14. Consideration of House resolutions, concurrent resolutions, and memorials
15. Introduction and reference of House Bills and other measures originating in the House of Representatives.

[Many items of business once publicly announced are no longer brought before the House but are reported in its Journal. Messages from the Governor advising the House of affirmative action on legislation originating in the House, for example, no longer are read, nor are committee reports which do not require House action.]

"WAIVE THE RULES"

Of the sentences spoken in the parliamentary ritual of the House, one frequently heard is, "Mr. Speaker, I move that the Rules be waived. . ."

Those who hear this motion well may wonder why there are such rules if they are to be put aside. These rules are rather like the

brakes on an automobile: to be used when it appears the vehicle is moving too fast. Their value lies in their presence rather than in their constant use.

Indeed, the rules sought to be waived are not of the House alone but requirements of the Constitution, which explicitly provides for their waiver under specified conditions.

READINGS

The Constitution [Article III, Section 7] says:

"Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote.

"On each reading, it shall be read by title only, unless one-third of the members present desire it read in full."

There is materially less reason for the actual reading by the Clerk of the text of a bill to the House today than there once was. Every Representative has a printed copy of each general bill and an analysis of its contents by the House Bill Drafting Service.

"Reading," therefore, has come to possess a symbolic sense of being a stage in the consideration of a bill.

If a Representative feels the House needs to slow down its consideration of a measure, or if a Representative in opposition believes a day's delay may be helpful, he will oppose taking one or all of the Constitutional short-cuts. You will notice that it takes the approval of two-thirds of the Representatives present to use the short-cuts.

Incidentally, the custom of requiring three readings stretches back into legislative antiquity. It was a matter of practice in the English House of Commons by the 16th Century. Perhaps the specifying of three readings, instead of two or four, has its roots in the time when the number three first possessed religious significance.

Yet the custom does have practical value. A piece of legislation which has been brought up three times, perhaps on three separate days, in each of the two legislative houses has certainly come to the attention of many people.

"LAY ON THE TABLE"

The Clerk's table — a figurative piece of furniture — is the limbo of legislative matters.

To "lay on the table" means a bill or other matter has been removed from consideration and placed in suspense. A matter laid on the table can, by the prescribed number of votes, be resurrected and taken up from the table. It is not accurate, therefore, to say that a measure has been killed by tabling although the practical result is often that.

A bill unfavorably reported by a committee is automatically "laid on the table."

KEEPING UP / the daily Calendar and Journal are guides to bill progress



"STRIKE THE ENACTING CLAUSE"

The Constitution leaves the form of bills to the Legislature. The size, the number of copies, and similar details are prescribed by Rule. But the Constitution does require the inclusion of one phrase for a bill to become law, and that vital language is:

"Be it enacted by the Legislature of the State of Florida."

So, if you hear an amendment read which says "strike the enacting clause," you may be sure this has been offered by a legislator unfriendly to the bill, as this amendment, if adopted, kills the bill.

RECONSIDERATION

The house has at least two chances to pass upon any question presented for its vote. This is because every vote may be "reconsidered."

A House-passed bill is delayed in its delivery to the Senate until the vote on passage has been reconsidered or a two-day period for this action has expired. (This does not apply to the last week of a session or to local bills.)

It is this delay that prompts a ritualistic exchange which often puzzles spectators.

A proponent of a measure will, just as soon as the bill has been passed by the House, often move for immediate reconsideration of the action which was to his liking, and still another proponent will ask that his motion be "laid upon the table." They are trying to hasten the bill's dispatch to the Senate since the motion for reconsideration can be made but once.

"MOVE THE PREVIOUS QUESTION"

While every Representative theoretically has the right to be heard for at least 15 minutes on any question before the House, a motion for "the previous question," if adopted by a majority, hastens the vote.

Traditionally, Speakers do not put this motion until both sides have had an opportunity to be heard for a reasonable time.

SPECIAL ORDER

The Committee on Rules and Calendar picks out bills for consideration each day. This is known as a "Special Order." The

Committee gives the priority of "Special Order" to bills regarded as possessing more than ordinary significance.

COMPANION BILLS

Identical copies of some bills are introduced in both the House and Senate. The idea is to gain time by having the same measure, in two bills, moving simultaneously through both houses. These are known as **companion bills**.

The time is saved by reason of the fact that when the House reaches a committee-approved House bill on its Calendar, the Senate-passed companion bill may be substituted. Otherwise, the House bill would, if passed, have to go to the Senate, which already had considered and passed the identical measure. This would be a waste of time since the Senate would find it necessary to re-pass the text of its own bill.

ENGROSSING—ENROLLING

You may hear reference to **engrossing** and **enrolling**. Each means "to copy" but in a legislative sense the words are used to differentiate between two kinds of copying.

If changes are made in a bill during its consideration by the House, these changes—words added to or taken from the original bill—are made in the **engrossed** bill. An engrossed bill is one which has been amended, and this copy incorporates those changes.

Enrolling is the final handling of a bill in the Legislature. It has been passed by both houses, and now is **enrolled**, or copied, on permanent record paper, signed by the presiding and clerical officers of the Legislature, and sent to the Governor for his action and filing in the Office of the Secretary of State.

ANYBODY CAN GET A BILL

All general legislation is printed, and a copy of any bill is available to the public upon request to the Documents Division of the Office of the Clerk, either in person or by mail.

Address: Documents Supervisor, Office of the Clerk, House of Representatives, The Capitol, Tallahassee 32304.

WHAT YOU SEE IN THE CHAMBER

If you occupy a seat in the House gallery during a session, you see Florida's oldest lawmaking body in action.

After Florida was acquired by the United States from Spain, Congress said 13 of the "most fit and discreet persons" in the new Territory should constitute its Legislative Council.

The members of the Legislative Council were first (beginning in 1822) appointed annually by the President of the United States, by and with the advice and consent of the Senate, and then (beginning in 1826) elected by their fellow Floridians.

When Congress substituted a bicameral, or two-house, lawmaking system for the Territory, its Act of July 7, 1838, said "the House of Representatives shall be organized, and the members thereof shall be chosen as is now prescribed by law for the present Legislative Council."

Thus, it may reasonably be said that today's House of Representatives is the direct successor to the Legislative Council, which first gave the people of Florida a voice in the making of the laws governing them.

Interestingly, Congress provided in 1838 that the Legislative Council could have a maximum of 75 days a year to cope with the problems of fewer than 30,000 people. Today, with more than 8,000,000 Floridians, the Constitution provides the Legislature shall meet in regular session for 60 days every year.

REORGANIZATION

The House reorganizes at a special session convened for this purpose shortly after each general election. Reorganization means the newly elected Representatives select their Speaker, Speaker pro tempore, and Clerk and confirm the new Speaker's designation of a Sergeant at Arms for the two-year life of the House. Rules also are adopted. The new Speaker then is fully vested with authority to appoint the committees. The committees will meet, prior to the legislative session, to consider matters within their subject field, including prefiled bills which have been referred to them by the Speaker.

PREFILING

"Prefiling" is a procedure by which House members may deliver proposed legislation to the Clerk ahead of the convening

of the Legislature in regular session, allowing the Speaker to refer prefiled bills to a committee for pre-session study. Committees may take final action on a prefiled bill out-of-session. For that reason, committees are obligated to advise sponsors and other interested persons of their meetings for the consideration of specific bills. This enables both sides to be heard during the pre-session period.

THE INTERIM CALENDAR

So the public may know what legislation has been proposed, and what committees are studying, the Clerk periodically publishes an Interim Calendar when the Legislature is not in session.

The Interim Calendar lists all prefiled bills, by subject, sponsor, and the identifying number these will carry during their legislative life; the Speaker's references of the bills to committees, and notices of committee meetings, and reports of committees.

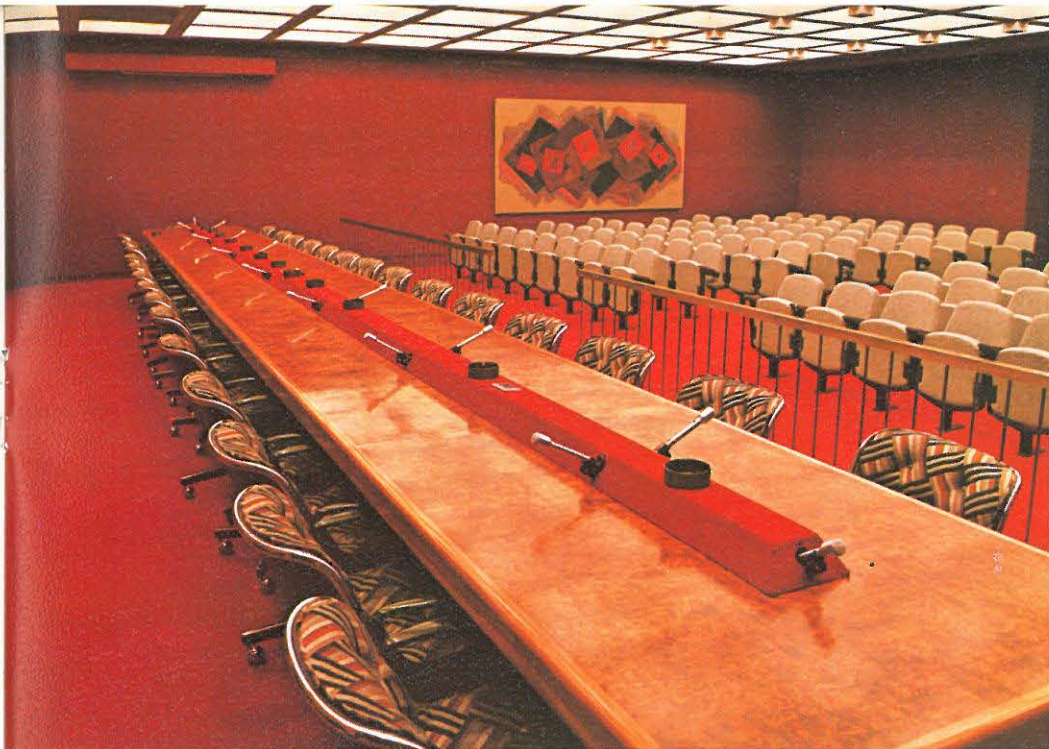
Anyone may be placed on the mailing list for the Interim Calendar by request to the Clerk, House of Representatives, The Capitol, Tallahassee 32304. There is no charge for this service.

COMMITTEE, OTHER ACTIVITIES

As a visitor to the gallery, you should keep in mind that you are seeing only the end product of the legislative process. The Chamber is the place where a vast amount of off-floor activity comes together.

The number of standing committees varies from session to session. A **standing** committee is one appointed for the continuing consideration of bills within its jurisdiction. The name of the committee usually indicates this field of jurisdiction. A **select** committee is one selected to perform a specific task. There also are a number of other types of legislative committees, among these being **Committee of the Whole House**, **committees of conference**, and **joint committees**.

Committees are organized by topic areas, such as agriculture and general legislation, appropriations, claims, collective bargaining, commerce, community affairs, corrections, criminal justice, education, elections, finance and taxation, governmental operations, health and rehabilitative services, House administration, judiciary, natural resources, regulated industries and licensing, retirement, rules and calendar, transportation, tourism, and veterans affairs (these are the subject areas, not necessarily the names of committees). Each bill is referred to at least one standing committee.



A committee room in the House Office Building. This was named "The Allen Morris Hall" by the 1977 House in recognition of the services of the Clerk of the House.

The typical member of the House of Representatives will find himself involved in work from "can see" to "can't see"—from early in the morning until evening. Committee meetings are scheduled to minimize conflicts among committee members but a Representative with a bill to urge or oppose well may find himself confronted with a number of simultaneous meetings of House committees, Senate committees, or groups of constituents. (see: The Job of a Representative)

These meetings with constituents are often overlooked by those who think of the Legislature in broad, general terms. Each delegation inevitably will have frequent meetings with people from their home Districts, and these meetings must be scheduled to avoid conflict with meetings of House/Senate committees.

And, of course, the work goes on whether the Legislature is in session or not. Before a regular session, Representatives are obligated for meetings with public and private groups, and with individual citizens, who have problems they want to talk over.

There will be a round of scheduled meetings of standing committees beginning soon after the House's reorganization. State institutions will be visited by members of committees concerned with their financing and general management. After a session, the lawmakers will be reporting to their constituents, for so much occurs at every session that even the most attentive among newspaper readers, television viewers, and radio listeners cannot possibly know all that happened which may be of interest to them.

To repeat: as a visitor, you should keep in mind that what you see of activities on the floor of the House is but a fraction of the time and energy a Representative must put into his public task.

THE CHAMBER

The last Chamber occupied by the House in the old Capitol was first used in 1939. When the House looked ahead to the new Capitol, the old Chamber was the same room as in 1939 but many changes had been made.

A change was in the desks of the Representatives. Expansion of the House membership by reason of the 1963 apportionment necessitated replacement of the individual desks placed there in 1939. Fortunately, the providing of private offices for Representatives in 1961 meant the Chamber desks no longer need be as large as in prior sessions when Members had no other place to keep their belongings at the Capitol.

As you look about the 1977 Chamber from the gallery, your attention likely will be attracted first by the Speaker's rostrum and Clerk's table, fronting the desks of the Representatives.

Next, your attention may be drawn to the bronze-framed panels above the rostrum, with columns of illuminated names of Members and, when a vote has been taken, the red (nay) and green (yea) lights. These belong to the electric roll call system, and show how the individual Representatives have voted by pressing the yea-and-nay buttons on their desks. The original roll call system was installed for the 1939 session. An entirely new electronic system was installed with the move to this Chamber in 1977. The machine records, tabulates, and makes copies of the votes of Representatives with the speed of electricity. The electric roll call saves a very considerable amount of time in calling the roll for a legislative assembly of 120 members.

A glassed-in booth on the back wall is provided for newsmen. Once the legislative correspondents occupied tables flanking the rostrum in the old Chamber but growth of the corps of newsmen

dictated the removal from the main floor in 1967. The booth, tied into the same public address system you hear in the gallery, makes it possible for the newsmen to use typewriters, telex, telephones, and voice recorders and to confer without distracting legislators.

Provision also has been made in the gallery for the public and commercial television cameras, for the legislative information clerks, and for the public address switchboard controlling chamber microphones.

In addition to the big, double doors opening at the rear of the Chamber upon the main, center aisle, you will observe doors at the front of the Chamber. These lead to the offices of the Speaker and the Clerk of the House and to the Members' lounge.

THE JOURNAL

The Clerk's Journal records only the formal parts of what has happened in the House and its committees. These include the titles of the bills introduced and considered and the way Representatives voted on the passage of bills.

Incidentally, a record roll call can be obtained on any question before the House whenever five Representatives, by raising their hands, ask for it. (There is a record roll call on the passage of every bill.) The traditional formula by which the Speaker declares the result of a voice vote allows time for this demand for a record vote: he first says, "the yeas **appear** to have it," then pauses and if five hands do not appear, goes on to declare, "the yeas have it."

Because the Clerk's Journal is not a verbatim, word-for-word record, the size in number of pages may on occasion bear an inverse ratio to the intensity of the floor debate. A day given over to argument on an important bill may require a few short entries. A day in which scores of local bills are passed necessitates page after page in the Journal although not a word of debate, in the sense of argument, has been spoken.

The Journal is of vital significance, for the courts look to the Journal for an accurate accounting of what formal steps were taken whenever a law is challenged on some ground of unconstitutional passage in its legislative course.

The Journal of each day's proceedings is distributed to legislators and available to the public from the Documents Division with the convening of the next legislative day's session. These daily Journals, after careful perusal for error, are drawn together and reprinted after **sine die**, or final, adjournment of the Legislature. This reprinting becomes the official record of what the House did. For the 1977 regular session, the Journal consisted of 1,460 pages.

CALENDAR

The Clerk also prepares the daily Calendar, a listing of the specific items of business which are available for House consideration. The Calendar also lists meetings of committees scheduled for that day. There also are Calendars of the legislation given priority by the Committee on Rules and Calendar, calendars of local legislation and calendars of non-controversial bills. Like the Journal, the Calendars in printed form are available to Legislators and the public on the morning of each legislative day. The public may obtain copies from the Documents Division.

THE SPEAKER

The Speaker is the presiding officer of the House. All eyes will be on him during much of the time when the House is in session. (The presiding officer occupies the **Chair**, and this word stands for the office and not the furniture. This interchange of meaning stresses the impersonal approach of the presiding officer to his duties.)

The task of presiding will present a challenge to his stamina, for the Speaker will stand for hours; to his patience, for he will strive to allow contending forces to present their arguments properly; to his wisdom, for he will have to make vital decisions quickly and fairly; and to his wit, for he will need to know when and how to serve as a safety valve to release tensions with a quip.

Yet the Speaker must do more. While he can cast only one vote, equal to but not exceeding in value the 119 others, the Speaker usually possesses an intangible force which may be decisive should he choose to use this.

There is an aura of a mystical nature which surrounds the Chair. This can be demonstrated by the fact that never in a half century has an appeal been taken successfully from a ruling of the Chair. Certainly some of those rulings are open to question

on the ground of judgment when viewed in hindsight. But the House has been willing to give one side or the other a momentary advantage rather than appear to question the good faith of the Speaker.

So, if he is wise, and Speakers generally are to have achieved this place of responsibility, he will not use this power recklessly or for unworthy purpose.

As a member, representing a District, the Speaker possesses the right to leave the Chair and speak in debate. Ordinarily, he will not do so unless some issue arises that seems to him of transcending importance to the State or the House. It is a solemn occasion when a Speaker ceremoniously vacates the Chair to come down to the floor for a speech.

While it is only lately that the dual nature of his role has become apparent in Florida, the Speaker is both the leader of the entire membership of the House and of those Representatives who belong to his political party.

The influence of the Speaker can be exerted in many directions. None is of greater importance than his power to appoint the members of House committees. He shares this power with no one. How he thinks well may flavor House committee thinking in many fields of proposed legislation.

If the Speaker is, say, conservative in his fiscal philosophy, he may appoint members to the Committee on Appropriations and to the Committee on Finance and Taxation who are of the same philosophy.

POLITICAL PARTY ORGANIZATION

With the emergence of the Republican party, a more formalized structure has developed in the House of Representatives than existed previously in this century when Representatives almost invariably were Democrats.

The majority party's officers are the Speaker, Speaker pro tempore, and Majority Floor Leader. The Speaker and the Speaker pro tempore are selected in caucus and then elected at the Organization Session. The Majority Floor Leader is chosen by the Speaker. The minority party's officers are the Minority Leader, the Minority Leader pro tempore, and the Minority Floor Leader. These are elected by the party in caucus.

Thus, each party has at least three officers with comparable responsibilities insofar as party obligations are concerned. They could be called the opposite numbers.

Incidentally, a caucus is a meeting of the members of a political party to determine the collective action, if any, they shall take on a pending matter. In the Florida House, there have been both public and private (or closed) caucuses, so no tradition yet has been established as to the nature of these meetings.

THE CLERK AND THE SERGEANT AT ARMS

There are two non-Member officers of the House, the Clerk and the Sergeant at Arms. The Clerk, a Constitutional officer, is elected by the Members; the Sergeant, a statutory officer, is designated by the Speaker, subject to the consent of the Members. The Clerk and the Sergeant serve all Members and, therefore, are obligated to be nonpartisan.

The duties and responsibilities of the Clerk were capsulized by the Council of State Governments in these words:

"By far the oldest, and perhaps the most indispensable, of the established legislative aids among Anglo-American lawmaking bodies is the office of legislative chief clerk. Laws are the main product of a legislative body; and the two principal tasks of the clerk are, first, to assist the leaders and members of a legislative house in the detailed processes by which laws are enacted and second, to record the history of that process in a clear, unbiased and accurate manner. If the first of these tasks is inadequately performed, the work of the session can be chaotic, bills can be lost or imperfectly processed, and the legislative process can become 'confusion worse confounded.' If the second of these tasks is poorly performed, the state government, the courts, and the people can be faced with serious consequences, including lawsuits testing the validity of statutes."

In shepherding bills from the time of filing until enrolled Acts are transmitted to the Governor or the dead bills to the Secretary of State for the archives, the Clerk of the House requires the assistance of some twenty-five persons year-round and sixty-five during sessions.

The Sergeant at Arms basically is the custodial and maintenance officer. Along with the housekeeping chores in four legislative buildings, the Sergeant has responsibilities for room assignments, telephone and postal service, security, and for the seating and announcement of dignitaries at ceremonial occasions in the House chamber.

REPRESENTATION OF THE PEOPLE IN THE HOUSE

All Members of the House represent geographic Districts which had the same number of people at the time of the 1970 Federal census. The population of Florida in 1970 was 6,790,929. Divided by 120 Members, this set the perfect size of a House District at 56,591 persons. (The next apportionment scheduled under the Florida Constitution will occur in 1982.)

The House, in apportioning itself in 1972, followed a policy of providing multi-Member districts no larger than six in number for densely populated counties and single-Member districts for rural counties. Since the United States Supreme Court had approved the use of multi-Member districts in legislative apportionments stemming from the "one-man, one-vote" decision, many Floridians are represented by more than one House Member. A multi-Member group is based, however, upon multiples of 56,591. A five-Member group, for example, would have five Representatives elected from an area which in 1970 had 282,955 people.

The House embraces five six-Member districts, six five-Member districts, five four-Member districts, three three-Member districts, five two-Member districts, and twenty-one single-Member districts. The range of deviation from mathematical preciseness was from plus .20 per cent (114 people) to minus .10 per cent (57 people).

"District" has two meanings. A Member represents a numbered grouping for ballot purposes, and he also represents a geographical district which he may share with one or more other Representatives.

SEATING

Seating in the House Chamber is determined by the Speaker at each organization session although there is relatively little change from House to House except when a reapportionment occurs. Members from the same geographical districts generally are seated together.

Some areas are favored by members for different reasons. Those seated along the aisle in front of the rostrum may feel they enjoy some advantage in catching the Speaker's eye for the purpose of recognition. Other members prefer locations near the outside aisles for convenience in access to their seats.

The Chairman of the Committee on Rules and Calendar occupies the first seat to the Speaker's left on the front row. This enables the Chairman to help the Speaker with the procedural motions which speed up the dispatch of the House's business.

Across the middle aisle, the first seat on the front row to the Speaker's right is reserved for the Speaker pro tempore, so he will be easily available to take a turn at presiding when the Speaker needs to be elsewhere.

The desk microphones and the very considerable reduction of traffic in the Chamber have tended to diminish the disadvantages which were formerly attached to certain areas of the 1939 Chamber.

Until Representatives were provided with private offices in 1961, much of their outside legislative business was transacted at their chamber desks. This meant their secretaries and visitors often were by their side during meetings of the House, and the noise and the general movement of people were particularly disturbing to members who occupied seats on the fringe of the Chamber. Now, no one is permitted in the Chamber during sessions except Legislators and necessary employees. As a token of recognition of their rank, certain top officers of other departments of government are granted the "privilege of the floor," which means they may enter the Chamber while the House is meeting.

WELL OF THE HOUSE

The area, with reading stand, between the first row of seats and the Clerk's table is known as the "well."

It is primarily used by Representatives who either wish to emphasize the importance of what they have to say or need to be in a position of facing the chamber to answer questions during the explanation of some measure. The Representative handling the General Appropriations Bill likely will use the facilities of the well.

Prior to installation of the desk microphones, the well was used far more frequently than now is the case.

JOINT SESSIONS, JOINT MEETINGS

The Constitution [Article IV, Section 1 (e)] provides, "The



This is the House Office Building, first occupied in 1973. Designed by Edward Durrell Stone, the four-story building provides committee rooms and offices for many House members. The House Office Building adjoins the Capitol on the north; a companion Senate Office Building is on the south end of the Capitol.

Governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest."

This annual message is given to the Legislature by the Governor in person (although Secretary of State R. A. Gray read the words of the ailing Governor Dan McCarty to the 1953 session) at a "joint session" held in the House chamber. If there are supplementary messages from the Governor during a session, he may deliver these in person or send them to the presiding officers for inclusion in the Journal.

The Legislature has "joint meetings" from time to time to hear addresses. Florida's United States Senators usually address the Legislature during a regular session. Persons of prominence visiting in Florida are occasionally heard. These have included Helen Keller, General Jonathan Wainwright, and astronauts. When the Legislature assembles for this purpose, it is convened properly in "joint meeting."

When the Governor responds to the mandate of the Constitution, the Legislature hears him in "joint session."



THE SENATE 1978



Lew Brantley
President



Sherman S. Winn
President pro tempore

Democrats in Roman (30); Independent (1); *Republicans in Italic* (9)
Counties in District and Senator

District

Escambia, Okaloosa, Santa Rosa, *part of Walton*

- 1 Wyon D. Childers, Pensacola
- 2 Thomas J. "Tom" Tobiasen, Pensacola

Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Suwannee, Washington, *parts of Taylor, Walton*

- 3 Dempsey J. Barron, Panama City
- 4 Pat Thomas, Quincy

Alachua, Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Marion, Nassau, Suwannee, Union, *parts of Clay, Levy, Putnam, Taylor*

- 5 Sherrill Nathan "Pete" Skinner, Lake City
- 6 Kenneth H. "Buddy" MacKay, Jr., Ocala

Part of Duval

- 7 Dan I. Scarborough, Jacksonville
- 8 Lew Brantley, Jacksonville
- 9 Mattox S. Hair, Jacksonville

Flagler, *part of Volusia*

- 10 Edgar M. Dunn, Jr., Daytona Beach

St. Johns, Sumter, *parts of Clay, Duval, Lake, Putnam, Volusia*

- 11 James A. "Jim" Glisson, D.C., Eustis

Citrus, Hernando, Polk, *parts of Levy, Osceola, Pasco*

- 12 N. Curtis Peterson, Jr., Eaton Park
- 13 Alan Trask, Fort Meade

Parts of Lake, Orange

- 14 Kenneth A. "Ken" Plante, Winter Park
- 15 William D. "Bill" Gorman, Tangerine

Brevard, Seminole, *parts of Orange, Osceola*

- 16 Lori Wilson, Cocoa Beach (Independent)
- 17 John W. Vogt, Cocoa Beach

Part of Pinellas

- 18 John T. Ware, St. Petersburg
- 19 Don Chamberlin, Clearwater
- 20 Henry B. Saylor, St. Petersburg

District

Hillsborough, *parts of Pasco, Pinellas*

- 21 David H. "Dave" McClain, Tampa
- 22 Guy "Butch" Spicola, Tampa
- 23 Elizabeth B. "Betty" Castor, Tampa

DeSoto, Glades, Hardee, Highlands, Manatee, Okeechobee

- 24 Tom Callen, Bradenton

Charlotte, Sarasota, *part of Lee*

- 25 Warren S. Henderson, Venice

Hendry, Indian River, Martin, St. Lucie, *parts of Lee, Palm Beach*

- 26 Harry A. Johnston, II, West Palm Beach
- 27 Philip D. "Phil" Lewis, West Palm Beach
- 28 Donnell C. "Don" Childers, West Palm Beach

Collier, *parts of Broward, Palm Beach*

- 29 George A. Williamson, Fort Lauderdale
- 30 Jon C. Thomas, Fort Lauderdale
- 31 James A. "Jim" Scott, Oakland Park

Part of Broward

- 32 William G. "Bill" Zinkil, Sr., Hollywood

Parts of Broward, Dade

- 33 D. Robert "Bob" Graham, Miami Lakes
- 34 Sherman S. Winn, Miami

Part of Dade

- 35 Jack D. Gordon, Miami Beach
- 36 George Firestone, Miami
- 37 Kenneth M. "Ken" Myers, Miami

Monroe, *part of Dade*

- 38 Ralph R. Poston, Sr., Miami
- 39 Vernon C. Holloway, Miami
- 40 Richard R. "Dick" Renick, Coral Gables

A Senate for Florida came into being in 1838 when Congress, by its Act of July 7, established a bicameral, or two house, Legislative Council.

Today's Senate has a membership of 40, based upon a 1972 apportionment. The Senate, under the 1968 Constitution, may range in size from 30 to 40 members, and the Senate then chose the maximum. This was, however, a reduction from the existing 48 seats. Each Senator, with the apportionment based on the 1970 Federal census, represented approximately 170,000 people. The state's population had grown substantially even by the time of the apportionment.

The President is the Senate's presiding officer. Its recording officer is known as the Secretary. A Senator's regular term is four years; a House term is two years. Otherwise, the two houses are structurally alike except for the differences inherent in one house having 120 members and the other, 40, to cope ultimately with the same number of finished products of the lawmaking machine. Each house must act upon precisely the same bill if this bill is to become an act.

In its Guide, the Senate says of itself:

"'Once a Senator, always a Senator' is a catchy phrase of good fellowship that conveys something of the philosophy of the Senate.

"The Senate takes every Senator to be a gentleman or a lady (although custom decrees that a Senator may not be addressed as a 'Gentleman or Lady' as are members of the House of Representatives. He or she is 'the Senator from the Thirty-fifth,' for example, but never 'the Gentleman or Lady from the Thirty-fifth'). The Senate leans heavily upon tradition, both written or remembered precedents. It is slow to change."



THE TWO OTHER BRANCHES OF THE STATE GOVERNMENT

"The powers of the State government shall be divided into Legislative, Executive, and Judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein."

Florida Constitution, Article II, Section 3

This quotation from the State Constitution establishes for Florida the traditional American pattern of three separate, equal, and, to an extent, adversary branches of State government.

The branches often are stated as having these responsibilities: The Legislative is the law-making branch, the Executive is the law-enforcing branch, and the Judicial is the law-interpreting branch.

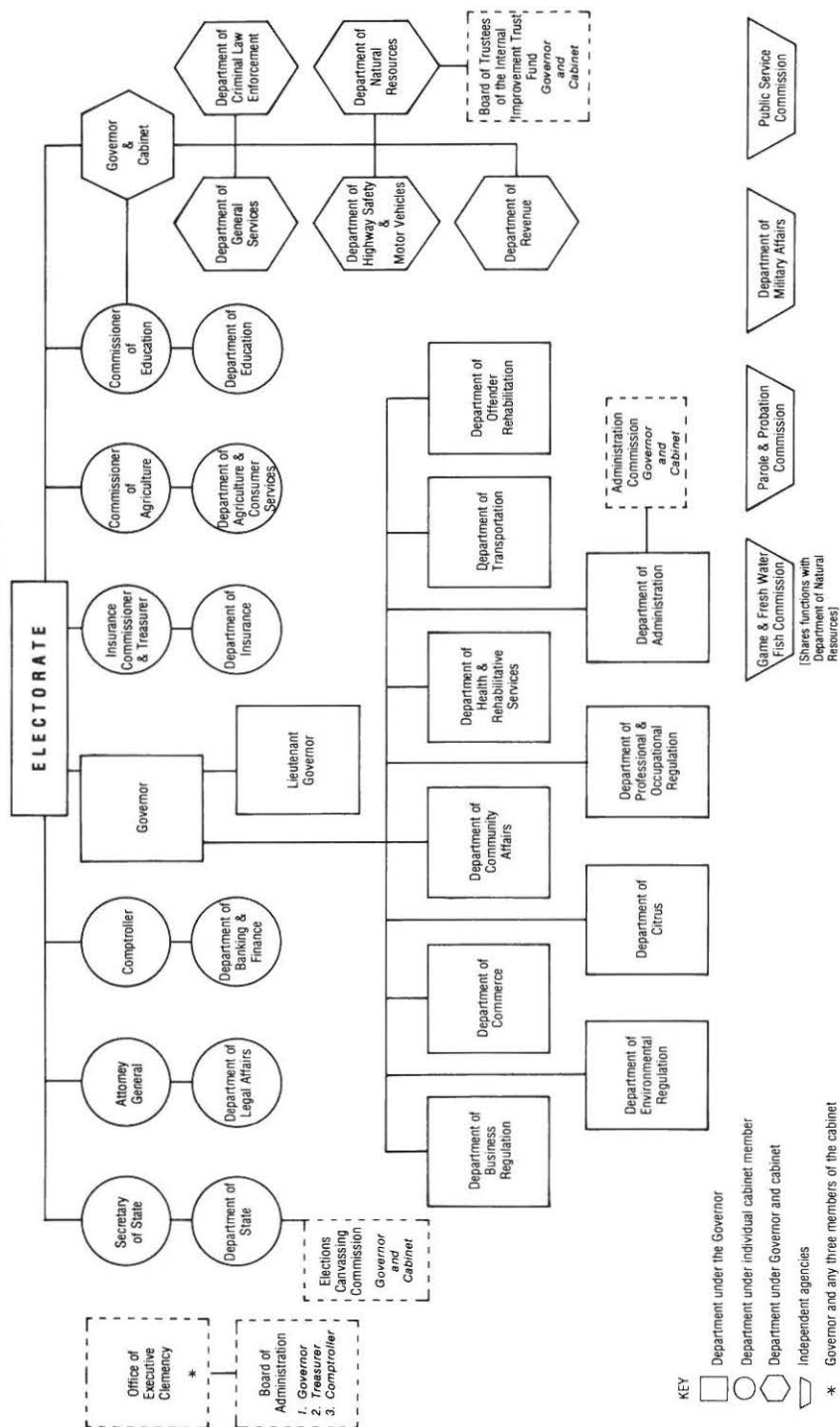
Florida's Executive Reorganization Act of 1969 was prefaced by a Declaration of Policy which defined the Constitution's separation of powers statement in these words:

*"The Legislative branch has the broad purpose of determining policies and programs and reviewing program performance. The Executive branch has the purpose of executing the programs and policies adopted by the Legislature and of making policy recommendations to the Legislature. The Judicial branch has the purpose of determining the Constitutional propriety of the policies and programs and of adjudicating any conflicts arising from the interpretation or application of the laws."*¹

¹Section 20.02(1), Florida Statutes (1969), p. 83.

Excerpted in part from *The Florida Handbook*, compiled by Allen Morris.

Executive Department Organization



- KEY**
- Department under the Governor
 - Department under individual cabinet member
 - ◡ Department under Governor and cabinet
 - ◡ Independent agencies
 - * Governor and any three members of the cabinet
 - - - Non Departmental Agency

The Executive Branch



Reubin O'D. Askew
Governor



J. H. Williams
Lieutenant Governor

Functions of the Executive branch are the responsibility primarily of the Governor and of the six elective officers known collectively as the Cabinet.

The members of the Cabinet are the Secretary of State, the Attorney General, the Comptroller, the Treasurer, the Commissioner of Agriculture, and the Commissioner of Education.

THE GOVERNOR

The Constitutional responsibilities of the Governor are spelled out in Article IV, Section I, as follows:

“Section 1. Governor.

“(a) The supreme executive power shall be vested in a governor. He shall be commander-in-chief of all military forces of the State not in active service of the United States. He shall take care that the laws be faithfully executed, commission all officers of the State and counties, and transact all necessary business with the officers of government. He may require information in writing from all executive or administrative State, county or municipal officers upon any subject relating to the duties of their respective offices.

“(b) The Governor may initiate judicial proceedings in the name of the State against any executive or administrative State, county or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

“(c) The Governor may request in writing the opinion of the Justices of the Supreme Court as to the interpretation of any portion of this Constitution upon any question affecting his executive powers and duties. The Justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of the request, unless in their judgment the delay would cause public injury.

“(d) The Governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

“(e) The Governor shall by message at least once in each regular session inform the Legislature concerning the condition of the state, propose such reorganization of the Executive Department as will promote efficiency and economy, and recommend measures in the public interest.

“(f) When not otherwise provided for in this Constitution, the Governor shall fill by appointment any vacancy in State or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.”

In addition to the powers vested in the Governor by the Constitution and laws, he exercises impressive persuasion by virtue of being what the Constitution calls the “supreme executive power”—the intangible of being the State’s No. 1 citizen.

The Governor must, at the time of election, be not less than 30 years of age and to have resided in Florida for the preceding seven years. He may be elected to a successive term.

THE LIEUTENANT GOVERNOR

The Lieutenant Governor is elected with the Governor as the runningmate of his choosing. He constitutionally performs such duties as may be assigned by the Governor. Lieutenant Governors since the office was created in its present nature in 1968 have served as Secretary of the Departments of Commerce and of Administration. In the event of the Governor’s impeachment, death, or inability to perform his duties, the Lieutenant Governor succeeds.

MEMBERS OF THE CABINET

(Listed in the Constitutional Order)



Bruce A. Smathers

THE SECRETARY OF STATE

The Secretary of State has the constitutional responsibility of keeping the official records of the Legislative and Executive Departments. Additionally, by law, the Secretary of State administers the State's involvement with a number of other affairs, including the State library, historic preservation, cultural affairs, and the licensing of private employment agencies, charitable solicitations, and private security guards. A significant statutory duty is the qualifying of candidates for State office and the conduct of primary and general elections.



Robert L. Shevin

THE ATTORNEY GENERAL

The Attorney General has the constitutional duty of being the "chief state legal officer." The Attorney General is responsible for giving public agencies and officers several hundred opinions during the course of a year. He does not answer questions of law from private citizens. Personally and through deputies, the Attorney General represents the State in civil and criminal proceedings.

MEMBERS OF THE CABINET

(Listed in the Constitutional Order)



THE COMPTROLLER

Gerald A. Lewis

The Comptroller has the constitutional obligation of serving as the "chief fiscal officer for the State, and shall settle and approve accounts against the State." By law, the Comptroller supervises banks and other financial institutions and regulates the issuance of securities for sale to the public.



THE TREASURER

Bill Gunter

The Treasurer is required by the Constitution to "keep all State funds and securities." The Constitution also makes it the Treasurer's duty to "disburse State funds only upon the order of the Comptroller, countersigned by the Governor." By law, the Treasurer also is the State's Insurance Commissioner and Fire Marshal.

MEMBERS OF THE CABINET

(Listed in the Constitutional Order)



Doyle E. Conner

THE COMMISSIONER OF AGRICULTURE

The Commissioner of Agriculture has the constitutional oversight of matters pertaining to agriculture except where otherwise provided by law. Some aspects of the citrus industry are, for example, under the immediate control of the Citrus Commission. By law, the Commissioner of Agriculture has the responsibility for consumer affairs. His duties include inspection of motor fuels, food products, and the eradication of plant and animal diseases.



Ralph D. Turlington

THE COMMISSIONER OF EDUCATION

The Commissioner of Education is charged by the Constitution with the supervision of the public education system. By law, he is the executive officer of the Department of Education. This Department has four Divisions: Elementary and Secondary Schools, Vocational Education, Community Colleges, and public universities.

THE GOVERNOR AND CABINET

Join as Board Members

The 1969 Executive Reorganization vested all or conditional responsibility in the Governor for the Departments of Business Regulation, Commerce, Community Affairs, Health and Rehabilitative Services, Transportation, Environmental Regulation, Offender Rehabilitation, Citrus, Professional and Occupational Regulation, and Administration.

But the Governor continues to share with the six members of the Cabinet the management of the Departments of General Services, Criminal Law Enforcement, Highway Safety and Motor Vehicles, Natural Resources, Revenue, and Executive Clemency.

Each of the Cabinet officers heads up a Department. The Secretary of State is solely responsible for the Department of State, the Attorney General for the Department of Legal Affairs, the Comptroller for the Department of Banking and Finance, the Treasurer for the Department of Insurance, the Commissioner of Agriculture for the Department of Agriculture and Consumer Services, and the Commissioner of Education for the Department of Education.



Harry Harper, Department of Natural Resources

The Governor and Cabinet in meeting. Left to right, Commissioner of Agriculture Doyle E. Conner, Comptroller Gerald Lewis, Secretary of State Bruce Smathers, Governor Reubin O'D. Askew, Attorney General Robert L. Shevin, Treasurer Bill Gunter, and Commissioner of Education Ralph D. Turlington. Seating is influenced by the order of the offices as listed in the Constitution.

THE JUDICIAL BRANCH



Ben J. Overton
Chief Justice



James C. Adkins, Jr.



Joseph A. Boyd, Jr.



Arthur J. England, Jr.



Alan C. Sundberg



Joseph W. Hatchett



Frederick B. Karl

"The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts and county courts. No other courts may be established by the state, any political subdivision or any municipality."

Florida Constitution, Article V, Section 1

You may wish to ask the question, "What is meant by the 'judicial powers' of a state?" The judicial power is, essentially, the authority of a judge to decide, according to law, controversies of which the law takes notice, and to secure the enforcement of the decision rendered. We commonly say that the judicial power is the power to administer justice; and "equal justice under law" is the supreme object of all courts which perform their proper function.

The judicial power of a state may also be exercised to a limited degree through public officers or bodies such as a commission or a board, which are a part of the executive branch of government. In those cases where the Legislature may decide that, for matters of convenience or for quicker or more efficient administration of a particular law, the determination of controversies arising under such law should be exercised, in the first instance, by a commission or board. Such commissions or boards are said to have "quasi-judicial" powers, since they exercise powers similar to those exercised by the courts. Section 1 of the new Article V provides "Commissions established by law, or administrative officers or bodies may be granted quasi-judicial power in matters connected with the function of their offices." The power of the judiciary to review their action on proper procedure is inherent.

The courts do not initiate cases. Our judges serve as arbiters, not advocates. Furthermore, they cannot decide abstract questions of legal philosophy but may exercise their judicial power only when a party seeks their aid in an actual controversy—for example, when one seeks to recover damages for an injury caused by the wrongful act of another. The courts also, of course, exercise their judicial powers in trying persons who are accused of a criminal offense.

Excerpted from "The Judicial System," by Senior Justice B. K. Roberts (retired) in *The Florida Handbook*.

SUPREME COURT

The highest court in this state is the Supreme Court. Today, it is composed of seven Justices.

The Supreme Court's appellate jurisdiction is limited to reviewing judgments imposing the death penalty, and decisions of

District Courts of Appeal or orders of trial courts initially or directly passing upon the validity of a State statute or a Federal statute or treaty, or construing a controlling provision of the Florida or Federal Constitution, and when provided by law, final judgments in proceedings for the validation of bonds and certificates of indebtedness and final judgments imposing life imprisonment. The Supreme Court may review by certiorari any decision of a District Court of Appeal that affects a class of constitutional or State officers, or passes upon a question certified by a District Court of Appeal to be of great public interest, or that is in direct conflict with a decision of any District Court of Appeal, or of the Supreme Court, on the same question of law.

DISTRICT COURTS OF APPEAL

The state is presently divided into four appellate districts of contiguous counties prescribed by the Legislature and in each district there is a District Court of Appeal. The courts are located respectively in Tallahassee, Lakeland, Miami, and West Palm Beach. Three judges constitute the minimum number in each district but the Legislature may increase or reduce the number according to need.

The District Courts of Appeal have jurisdiction of all appeals not directly appealable to the Supreme Court or the Circuit Court. A District Court of Appeal may also issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus.

CIRCUIT COURTS

The highest trial in the state is the Circuit Court which is also the court of most general jurisdiction. The state is divided into judicial circuits defined by the Legislature. Circuit Judges are elected for a term of six years.

The Circuit Court has jurisdiction of appeals as provided by general law and all original jurisdiction not vested in the County Courts. The jurisdiction shall be uniform throughout the state. The Legislature has provided that the Circuit Courts have exclusive original jurisdiction in all actions at law which the County Court does not have jurisdiction to try including all civil actions involving amounts in excess of \$2,500; in proceedings relating to the settlement of estates, competency and involuntary hospitalization; in all cases in equity including all cases relating to juveniles except certain traffic cases; in all cases involving the legality of any tax assessment or toll; in actions of ejectment (which is an action

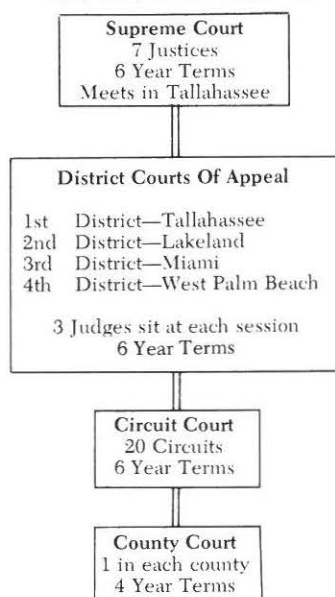
to determine who has the title to land); in all actions involving the titles or boundaries or right of possession of real property except the county court shall have concurrent jurisdiction of landlord-tenant cases involving amounts of \$2,500 or less; and of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged. (A "felony" is any crime punishable by death or imprisonment in the State Prison, and every other criminal offense is a "misdemeanor.") The Legislature vested the Circuit Court with jurisdiction of all appeals from County Courts except those directly appealable to the Supreme Court.

COUNTY COURT

There shall be at least one County Court Judge in each county. A County Court Judge shall be elected for a term of four years.

The Constitution provides that the County Court shall exercise the jurisdiction prescribed by the Legislature and that this jurisdiction shall be uniform throughout the state. The Legislature has vested the County Court with jurisdiction in all misdemeanor cases which the Circuit Court does not have jurisdiction to try; of all violations of municipal ordinances; and of all civil actions at law in which the amount involved does not exceed \$2,500.

The Courts Of Florida



To write your legislators during sessions...*

Representatives should be addressed as follows:

The Honorable _____
House of Representatives
The Capitol
Tallahassee, Florida 32304
Dear Representative

Senators should be addressed as follows:

Senator _____
The Capitol
Tallahassee, Florida 32304
Dear Senator

If you write...

It is suggested that you sign your name clearly and give your address correctly so the legislator can answer your letter.

Most matters coming before the Legislature are fairly well publicized in advance. To help your representatives, write them about issues prior to the Legislature taking action.

Florida in Congress

The names and addresses of the Florida members of Congress may be found on the last page of the yellow sections of many Florida telephone directories. The Washington zip code for the two United States Senators is 20510; for the fifteen Congressmen, 20515.

*For their mailing addresses out of session, write the Clerk of the House of Representatives or the Secretary of the Senate for a free copy of their directories.

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The Seal of the Territory



First State Seal

This public document was promulgated at a biennial cost of \$5,427.80, or 36 cents a copy, for the purpose of informing the public about the House of Representatives.

